

TRAINOR FAIRBROOK
JOHN D. FAIRBROOK (SBN 105115)
ARTHUR B. MARK III (SBN 220865)
980 Fulton Avenue
Sacramento, California 95825-4558
Telephone: (916) 929-7000
Facsimile: (916) 929-7111
wms:4371002.546970.1

Attorneys for Plaintiff
WRI GOLDEN STATE, LLC

THELEN REID BROWN RAYSMAN & STEINER
LLP
Gregory P. O'Hara, (SBN 131963)
Daniel J. Muller, (SBN 193396)
225 West Santa Clara Street, 12th Floor
San Jose, California 95113
Telephone: (408) 292-5800
Facsimile: (408) 287-8040

Attorneys for Defendant/Cross-Complainant
SAVE MART SUPERMARKETS, d/b/a FOOD
MAXX

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WRI GOLDEN STATE, LLC, a Delaware
limited liability company

Plaintiff,

v.

SAVE MART SUPERMARKETS, d/b/a
FOOD MAXX,

Defendant.

Case No. C07-1480 (MMC)

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO EXTEND TIME RE
PLAINTIFF'S DEPOSITION OF
PERSON(S) MOST KNOWLEDGEABLE
FOR RITE AID CORPORATION**

**STIPULATION AND ~~[PROPOSED]~~ ORDER TO EXTEND TIME RE
PLAINTIFF'S DEPOSITION OF PERSON(S) MOST KNOWLEDGEABLE FOR
RITE AID CORPORATION**

TRAINOR FAIRBROOK

STIPULATION

Pursuant to Federal Rule of Civil Procedure 29(b), the parties stipulate that the deposition of the person(s) most knowledgeable for Rite Aid Corporation may be taken outside the current discovery cutoff date of January 18, 2008 in order to accommodate the schedule of Rite Aid based on the following facts:

1. The non-expert discovery cutoff date in this case was set for January 18, 2008 by the Court's June 22, 2007 Pre Trial Preparation Order;

2. On January 2, 2008, Plaintiff caused to be issued a subpoena in a civil case to Rite Aid Corporation for the person(s) most knowledgeable as to certain specified areas of inquiry pursuant to Federal Rule of Civil Procedure 30(b)6;

3. Notice of this deposition was served via facsimile and mail on January 2, 2008 on Defendant;

4. The deposition subpoena was served on Rite Aid Corporation by personal service on January 3, 2008;

5. The deposition of the person(s) most knowledgeable for Rite Aid was scheduled to take place on January 15, 2008;

6. On or about January 11, 2008, counsel for Plaintiffs and Defendants agreed that in order to accommodate the schedule of Rite Aid, the deposition would need to be rescheduled beyond January 18, 2008. (See **Exhibit A** hereto.) The parties expect that the deposition will occur on or before February 29, 2008;

7. Accordingly, the parties through their counsel of record hereby stipulate that the time for the deposition of the person(s) most knowledgeable for Rite Aid Corporation noticed for January 15, 2008, may be extended until February 29, 2008.

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1 Dated: February 5, 2008

Respectfully submitted,

2 TRAINOR FAIRBROOK

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4 By: /s/ARTHUR B. MARK III
ARTHUR B. MARK III
Attorneys for Plaintiff/Counter-Defendant
5 WRI GOLDEN STATE, LLC

6 Dated: February 5, 2008

Respectfully submitted,

7 THELEN REID BROWN RAYSMAN &
8 STEINER LLP

9 By: /s/DANIEL J. MULLER
10 DANIEL J. MULLER
Attorneys for Defendant/Counter-Claimant
11 SAVE MART SUPERMARKETS, d/b/a
FOOD MAXX

12 **ORDER**

13 In accordance with the above Stipulation of the parties, the time for Plaintiff to take and
14 complete the deposition of the person(s) most knowledgeable for Rite Aid Corporation that was
15 scheduled for January 15, 2008, may be extended up to and including February 29, 2008.

16 **IT IS SO ORDERED:**

17 Dated: February 8, 2008

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19 
20 HONORABLE MAXINE M. CHISNEY

EXHIBIT A



T R A I N O R F A I R B R O O K

A T T O R N E Y S A T L A W

Arthur B. Mark III
amark@trainorfairbrook.com

January 11, 2008

Daniel J. Muller, Esquire
Thelen, Reid, Brown, Raysman & Steiner, LLP
225 West Santa Clara Street, Twelfth Floor
San Jose, California 95113

Re: WRI Golden State v. Save Mart Supermarkets
United States District Court, Northern District of California
San Francisco Division - Case No. C07-1480 (MMC)

Dear Mr. Muller:

This will confirm our agreement that you have no objection to rescheduling the deposition of the Person Most Knowledgeable for Rite Aid currently noticed for January 15, 2008 in order to accommodate Rite Aid's schedule. Moreover, this will confirm that you have no objection to completing or taking this deposition outside the current discovery cutoff date and will not object to the deposition on that ground. Once I hear from Rite Aid with respect to available dates, I will contact you so that we may set the deposition on a mutually agreeable date. Please contact me immediately if this does not accurately set forth our agreement.

Very truly yours,

Arthur B. Mark III

ABM:wms
4371002.545884.1